

[First Reprint]

SENATE, No. 2479

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED JANUARY 13, 2009

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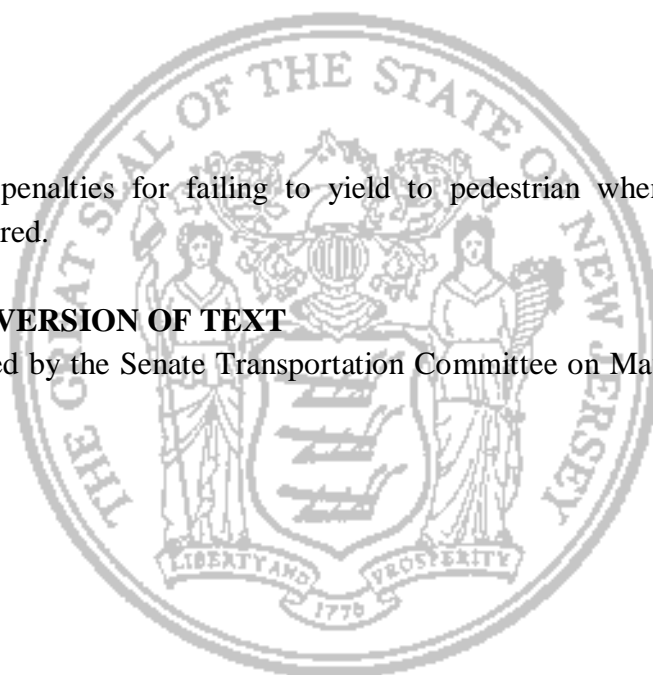
Senator Van Drew and Assemblyman Connors

SYNOPSIS

Increases penalties for failing to yield to pedestrian when pedestrian is seriously injured.

CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee on May 7, 2009, with amendments.



(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning pedestrian safety and amending R.S.39:4-36.

2

3 **BE IT ENACTED** *by the Senate and General Assembly of the State*
4 *of New Jersey:*

5

6 1. R.S.39:4-36 is amended to read as follows:

7 39:4-36. a. The driver of a vehicle shall yield the right-of-way
8 to a pedestrian crossing the roadway within a marked crosswalk or
9 within any unmarked crosswalk at an intersection, except at
10 crosswalks when the movement of traffic is being regulated by
11 police officers or traffic control signals, or where otherwise
12 prohibited by municipal, county, or State regulation, and except
13 where a pedestrian tunnel or overhead pedestrian crossing has been
14 provided, but no pedestrian shall suddenly leave a curb or other
15 place of safety and walk or run into the path of a vehicle which is so
16 close that it is impossible for the driver to yield. Nothing contained
17 herein shall relieve a pedestrian from using due care for his safety.

18 Whenever any vehicle is stopped to permit a pedestrian to cross
19 the roadway, the driver of any other vehicle approaching from the
20 rear shall not overtake and pass such stopped vehicle.

21 Every pedestrian upon a roadway at any point other than within a
22 marked crosswalk or within an unmarked crosswalk at an
23 intersection shall yield the right-of-way to all vehicles upon the
24 roadway.

25 Nothing contained herein shall relieve a driver from the duty to
26 exercise due care for the safety of any pedestrian upon a roadway.

27 b. A person violating this section shall, upon conviction
28 thereof, pay a fine to be imposed by the court in the amount of
29 \$100. The court may also impose a term of imprisonment not to
30 exceed 15 days. If the violation results in serious bodily injury to a
31 pedestrian, the person convicted of the violation ¹['may be
32 sentenced'] shall be subject¹ to a fine of not less than \$100 or more
33 than \$500, and may additionally be subject to a sentence of¹
34 imprisonment not to exceed 25 days, or a¹ license suspension not
35 to exceed six months, or ¹['any combination thereof'] both, in the
36 discretion of the court¹. As used in this section, "serious bodily
37 injury" means serious bodily injury as defined in subsection b. of
38 N.J.S.2C:11-1.

39 c. Of each fine imposed and collected pursuant to subsection b.
40 of this section, \$50 shall be forwarded to the State Treasurer who
41 shall annually deposit the moneys into the "Pedestrian Safety

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate STR committee amendments adopted May 7, 2009.

- 1 Enforcement and Education Fund" created by section 1 of P.L.2005,
- 2 c.84 (C.39:4-36.2)
- 3 (cf: P.L.2005, c.86, s.2)
- 4
- 5 2. This act shall take effect immediately.